

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., by and through her next friend, James D. Johnson;
JAMISON J., by and through his next friend, Clara Lewis;
DESIREE, RENEE, TYSON, and MONIQUE P., by and through
their next friend, Sylvia Forster; JOHN A., by and through his next
friend, James D. Johnson; CODY B., by and through his next
friend, Sharon Scott; MARY, TOM, MATTHEW, and DANA W.,
by and through their next friend, Zelatra W.; AND SAM H., by and
through his next friend, Yvette Bullock; on their own behalf and
behalf of all others similarly situated,

Plaintiffs.

CIVIL ACTION NO.
3:04-CV-251-TSL-FKB

v.

PHIL BRYANT, as Governor of the State of Mississippi;
DONALD TAYLOR, as Executive Director of the Department of
Human Services; AND BILLY MANGOLD, as Director of the
Division of Family and Children's Services,

Defendants.

**PLAINTIFFS' MOTION FOR RELIEF PURSUANT TO
REMEDY PHASE OF PLAINTIFFS' RENEWED MOTION FOR CONTEMPT, FOR
AN EVIDENTIARY HEARING AND FOR THE APPOINTMENT OF A RECEIVER**

Plaintiffs respectfully move this Court for the entry of an Order finding Defendants in contempt of this Court's orders, for an evidentiary hearing, and for the appointment of a general receiver with full authority to administer Mississippi's child welfare system to bring it into compliance with the orders of this Court. In support of their motion, the Plaintiffs state the following:

1. This Renewed Motion is brought pursuant to Federal Rule of Civil Procedure 70(e), the Stipulated Third Remedial Order [Dkt. 713]("STRO"), and the 2nd Modified Mississippi Settlement Agreement and Reform Plan [Dkt. 712]("2ndMSA)]. This renewed motion is

supported by the accompanying Memorandum of Law in Support of the Remedy Phase of Plaintiffs' Renewed Motion for Contempt, For an Evidentiary Hearing, and for the Appointment of a Receiver, which is filed contemporaneously with and incorporated by reference into this motion.

2. As explained more fully in Plaintiffs' accompanying memorandum of law, an order finding Defendants in contempt and for the appointment of a receiver is necessary to prevent further harm to the entire class of Olivia Y. foster children whose safety and well-being remain at risk as a direct result of Defendants' consistent disregard of its Court-ordered obligations. The necessity for an evidentiary hearing to provide further support for a finding of contempt and for the appointment of a receiver are amply met by the evidence and arguments submitted in support of this renewed motion.
3. Specifically, the Plaintiffs submit the following exhibits in support of this motion:
 - Exhibit A: MDCPS eBulletin Announcement;
 - Exhibit B: Notice of Noncompliance;
 - Exhibit C: Monitor's January 2, 2018 Caseload Statistics;
 - Exhibit D: Monitor's March 30, 2018 Caseload Statistics;
 - Exhibit E: Monitor's May 15, 2018 Caseload Statistics.
4. For the reasons stated in this motion, as well as the reasons and authorities provided in the accompanying memorandum brief, the Plaintiffs request that the Court grant their motion, find that defendants are in noncompliance with the STRO and 2nd MSA, hence in contempt of court; and fashion an order appointing a Receiver, setting out both the Receiver's powers and the duration of the Receiver's mandate, and the standards for a transition out of the receivership.

5. Plaintiffs also request that this Court grant such other and further relief as this Court deems necessary and proper.

RESPECTFULLY SUBMITTED, this the 31st day of May 2018.

/s/ Marcia Robinson Lowry
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Sara Robinson-Glasser (*pro hac vice*)
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Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will deliver copies to all counsel of record.

/s/ Marcia Robinson Lowry
Marcia Robinson Lowry (*pro hac vice*)